

Notice of Allowability

Application No.

09/758,155

Examiner

Yubin Hung

Applicant(s)

KAZAYAMA ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/22/2006.
2. ☒ The allowed claim(s) is/are 1-9, 11, 13 and 15 (re-numbered 1-12).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGE WU
PRIMARY EXAMINER

Response to Amendment/Arguments

1. This action is in response to the amendment filed on February 22, 2006, which has been entered.
2. Claims 10, 12 and 14 have been cancelled.
3. Applicant's amendment has rendered moot the 35 USC § 102 and 103 rejections by incorporating allowable subject matter indicated in the previous Office action. Therefore, claims 1-9, 11, 13 and 15 have been allowed.

Allowable Subject Matter

4. Claim 1-9, 11, 13 and 15 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. Regarding claims 1 and 11, and similarly claims 7, 9, 13 and 15, the prior art of record fails to teach or suggest, alone or in combination, a moving image encoding apparatus comprising, along with other limitations:
 - Wherein the interframe encoding parameters are set to decrease
(claim 1) a distance between an I-picture and a neighboring P-picture
of a Group of Pictures (GOP)

(claim 11) a distance between a nearest neighboring two P-pictures

Closest art of record Watanabe et al. (US 5,894,526) discloses reducing the distance between a reference frame (i.e., I-frame) and a predicted frame (i.e., P-frame) when a condition is met [Fig. 5, refs. S5, S8 & S9. Note: Since it is well known in the art that the numbers of B-pictures between an I-frame and a P-frame and between two successive P-frames are typically the same, the decrease in one distance implies a corresponding decrease in the other]. However, it does not teach that the distance is decreased regardless of how the condition (e.g., the amount of the extracted feature recited in claim 1) is met.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
March 17, 2006



JINGGE WU
PRIMARY EXAMINER